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My comments deal with the proposed changes to MCR 2.003 which deals with disqualification of a judge. The changes attempt to create a rule to include the Supreme Court, which I have no disagreement with, but also add provisions that affect the trial courts as well.

I would suggest that the language in Alternative B, and especially in Alternative C, which provides the following ground for disqualification to be too broad and subjective in the way it is written: "The judge's impartiality might objectively and reasonably be questioned". The words "might" and "questioned" have the potential of opening up a large list of reasons for disqualification. For example: I sent a defendant to prison for the same charge 2 years ago; As a judge I handled a parties last divorce and made an unfavorable ruling; I smiled and said good morning to one of the litigants in a hotly contested case; I regularly eat in a restaurant where a crime was committed; My car was broken into 3 years ago which is the same crime a defendant is charged with in my court; etc. These are a small sample of the situations that could arise in which my impartiality might objectively and reasonably be questioned. While it might be questioned, in most cases there would be no reason for a disqualification. There appears to be no discretion when the ground for disqualification is listed in the rule. Furthermore, criminal defendants and other litigants will surely use this ground to try to do some judge shopping.

This appears to be an example of trying to fix the disqualification issue with the Supreme Court by painting the entire court system with the same brush. In my almost 25 years on the bench I have not seen any problems with the present disqualification rule (MCR 2.003) when it is applied to the trial courts.

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